

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

T. R. KISOR,

Plaintiff,

vs.

No. CV 17-00737 MV/GBW

ALISHA TAFOYA-LUCERO (WARDEN),
GARY MARCIAL (DEPUTY WARDEN),
FILEMON SANDOVAL (CORRECTION'S OFFICER),
AGT ARCHIE MARTINEZ (CORRECTIONS OFFICER),

Defendants.

MEMORANDUM OPINION AND FINAL ORDER OF DISMISSAL

THIS MATTER is before the Court *sua sponte* on the Complaint for Violation of Civil Rights filed July 13, 2017 by Plaintiff T. R. Kisor. (Doc. 1) (“Complaint”). The Court previously dismissed the Complaint without prejudice for failure to state a claim and with leave to amend. Plaintiff has failed to timely amend and the Court now dismisses the Complaint with prejudice.

The Court dismissed Plaintiff’s claims on the grounds that the allegations of his Complaint failed to state a claim for relief under 42 U.S.C. § 1983. (Doc. 9). The Court granted Kisor the opportunity to file an amended complaint specifying individuals and the individualized actions that he claims resulted in the violation of his constitutional rights. (Doc. 9 at 8). *See Hall v. Bellmon*, 935 F.2d at 1110, nt. 3 (pro se litigants are to be given reasonable opportunity to remedy defects in their pleadings). The Court notified Kisor that the amended complaint must state the facts of each separate claim and why Plaintiff believes that his constitutional rights were violated. *See Meade v. Grubbs*, 841 F.2d 1512, 1522 (10th Cir.1988). (Doc. 9 at 8). Kisor did not file an amended complaint and has not responded to the Court’s December 10, 2019 Memorandum

Opinion and Order or otherwise communicated with the Court. Further, a recent mailing was returned as undeliverable (*see* Doc. 10), and the New Mexico offender lookup site reflects that Plaintiff was recently released without providing a new address. *See* <https://search.cd.nm.gov/>.

Because the Complaint fails to state a claim for relief and Plaintiff has not filed any amended complaint or attempted to respond to the Court's Memorandum Opinion and Order, the Court declines to grant Plaintiff further leave to amend and will dismiss this case with prejudice. *See Calderon v. Kan. Dep't of Soc. & Rehab. Servs.*, 181 F.3d 1180, 1186-87 (10th Cir.1999); *Castleglen, Inc. v. Resolution Trust Corp.*, 984 F.2d 1571, 1585 (10th Cir.1993).

IT IS ORDERED the Complaint for Violation of Civil Rights filed by Plaintiff T.R. Kisor on July 13, 2017 (Doc. 1) and all claims and causes of action are **DISMISSED** with prejudice for failure to state a claim on which relief can be granted.



UNITED STATES DISTRICT JUDGE